



Sterile Ophthalmics and Injectables

March 4, 2015

The Honorable Jack Conway
Attorney General
700 Capitol Avenue, Capitol Building, Suite 118
Frankfort, KY 40601

Dear Mr. Attorney General:

We at Akorn are aware that two prescription drug products - **midazolam injection, USP CIV** and **hydromorphone hydrochloride injection USP, CII (high potency formulation)** - may have been used by some correctional facilities in the United States to administer lethal injections in capital punishment cases. Along with several other pharmaceutical companies, Akorn is a manufacturer of both products.

The use of midazolam and/or hydromorphone for lethal injection is clearly contradictory to the FDA approved indications for both products and - as controlled substances - the procurement or use of these products for executions may be in violation of the Controlled Substances Act. Additionally, such use is contrary to Akorn's commitment to promote the health and wellness of human patients. ***Akorn strongly objects to the use of its products in capital punishment.***

To align with industry standards and to prevent midazolam and hydromorphone from being used for purposes outside FDA approved indications, Akorn will not accept direct orders from departments of correction for any product and we plan to implement additional distribution controls on midazolam and hydromorphone products in the near future.

To reduce the possibility that Akorn midazolam and hydromorphone vials reach correctional facilities for use outside their labeled indications, these distributors will not sell these products directly to departments of correction or secondary distributors and distributors will use their best efforts in other distribution channels to keep the products out of prison systems.

If your prisons have purchased Akorn products directly or indirectly for use in capital punishment we ask that you immediately return our products for a full refund. ***Again, we remind you that we do not support the use of any Akorn product in a manner inconsistent with approved product labeling.***

If you have any questions regarding Akorn's commitment to promoting human health or products that you may have purchased from Akorn, I encourage you to contact me directly.

Sincerely,

Joseph Bonaccorsi
General Counsel